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OFFICE OF PETITIONS

In re Application of	:	
Baltimore, et al.	:	
Application No. 10/037,415	:	DECISION GRANTING
Filed: January 4, 2002	:	PETITION
Attorney Docket No. APBI-P04-035	:	
For: NUCLEAR FACTORS ASSOCIATED	:	
WITH TRANSCRIPTIONAL	:	
REGULATION	:	

This is a decision on the petition, filed December 27, 2004 (certificate of mailing date December 23, 2004), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed October 26, 2004.

The application was filed on January 4, 2002. On October 26, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 85 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 85 be accorded a filing date of January 4, 2002 on the basis that the entire specification, including allegedly missing page 85, was received in the Patent and Trademark Office (PTO) on January 4, 2002.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 4, 2002 as the date of receipt. The postcard lists that the filing included, *inter alia*, 207 pages of specification. A review of the application file reveals that there are 206 pages present. Page 85 is missing.

The return postcard constitutes *prima facie* evidence that the entire 207 page specification, including missing page 85, was filed on January 4, 2002. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the \$130.00 petition fee will be credited to petitioners' deposit account, no. 18-1945.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **January 4, 2002**, using the copy of page 85 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions